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Attorneys for Defendant, RiverSource Life Insurance Company

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ESTATE OF RYAN DONNELLY,

CIVIL ACTION NO.

Plaintiff,

v.

SCOTT SHAW, RIVERSOURCE LIFE  
INSURANCE COMPANY, JOHN AND JANE  
DOES 1 THROUGH 100, JOHN DOE  
CORPORATIONS 1 THROUGH 10 AND  
OTHER JOHN DOE ENTITIES 1 THROUGH 10,  
all whose true names are unknown,

**Civil Action**

**NOTICE OF REMOVAL**

Defendants.

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TO: NOVINS, YORK & JACOBUS, P.A.  
Lauren M. Dooley, Esq.  
Michael A. Jacobus, Esq.  
202 Main Street  
Toms River, NJ 08754  
Attorneys for Plaintiff

SIR:

PLEASE TAKE NOTICE that the defendant, RiverSource Life Insurance Company ("RiverSource"), hereby removes the above-entitled action from the Superior Court of New

Jersey, Ocean County, (the "State Court"), to the United States District Court for the District of New Jersey, based on the following:

1. This action was commenced by plaintiff filing a Complaint in State Court, and it was assigned Docket No. L-1644-19 by the State Court.

2. RiverSource was served with the Summons and the Complaint filed in the State Court action ("Complaint") on July 2, 2019. Copies of the said Summons and Complaint are, collectively, annexed hereto as Exhibit A.

3. The Complaint is the initial pleading setting forth the claim for relief upon which the instant action is based.

4. Upon information and belief, no further proceedings have transpired in the State Court.

5. RiverSource is a corporation organized and existing under the laws of the State of Minnesota, with its principal place of business and executive offices in the State of Minnesota, which is also where the substantial majority of its employees are located.

6. Upon information and belief, Defendant, Scott Shaw, is a citizen of the Commonwealth of Pennsylvania.

7. The "John Doe", "Jane Doe", "John Doe Corporations" and "other John Doe Entities" defendants, if any, are unknown, fictitious names whose citizenship is to be disregarded for these purposes.

8. According to the Complaint, plaintiff is a citizen of the State of New Jersey.

9. The Complaint demands an unspecified amount of damages arising out of the termination of a \$1,000,000 insurance policy on the life of plaintiff's decedent prior to his death

and RiverSource's allegedly "bad faith denial" of plaintiff's claim for the policy's \$1,000,000 death benefit, as well as punitive damages.

10. This Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332(a) in that the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and it is between citizens of different states.

11. Defendant, Scott Shaw's consent to the removal of this action is not required, because, upon information and belief, he has not been served with the Summons and Complaint and because he has not been "properly joined" as a party.

12. This Notice of Removal is filed with this Court within thirty (30) days after first receipt by and service upon RiverSource of a copy of the initial pleading setting forth the claim for relief upon which the action is based, and, therefore, it is timely pursuant to 28 U.S.C. §1446(b).

13. Accordingly, this action is hereby removed to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. §§ 1441 and 1446, with notice to the State Court as certified below.

DATED: July 31, 2019

CARLET, GARRISON, KLEIN &  
ZARETSKY, L.L.P.  
Attorneys for Defendant, RiverSource Life  
Insurance Company

By: /s/Michael J. Zaretsky  
MICHAEL J. ZARETSKY, ESQ. (MZ-7098)

**CERTIFICATION**

I hereby certify that a true and correct copy of the foregoing Notice of Removal was served upon the attorneys for plaintiff via regular U.S. Mail at their address stated above; and that a copy of same was served upon the Ocean County Clerk, via regular U.S. mail, on this this 31st day of July, 2019.

DATED: July 31, 2019

/s/Michael J. Zaretsky  
MICHAEL J. ZARETSKY, ESQ. (MZ-7098)